

**Amendment No. 2 to HB0414**

**Dennis  
Signature of Sponsor**

**AMEND Senate Bill No. 119\***

**House Bill No. 414**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-9-604, is amended by deleting the section and substituting instead the following:

(a) In any tort action, any party intending to assert that a plaintiff's injuries would have been reduced if the plaintiff had used an available safety belt shall, at the time of filing that party's first answer asserting this defense, file a Certificate of Good Faith signed by the party or the party's counsel affirming that the party had obtained a written statement of one (1) or more qualified experts confirming that:

(1) The plaintiff did not use the available safety belt; and

(2) The use of the available safety belt would have reduced the plaintiff's injuries.

(b) In any case in which such a defense is asserted, there shall be a rebuttable presumption that the plaintiff did use a safety belt and that any failure to use a safety belt would not have affected the plaintiff's damages.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.